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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,140	07/30/2003	Chuen-Jong Tseng	CU-3314 RJS	9471

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EXAMINER

D ADAMO, STEPHEN D

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,140

Applicant(s)

TSENG, CHUEN-JONG

Examiner

Stephen D'Adamo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - page 6, line 9, the rear ends, as disclosed in the Drawings, are 431 and 432
 - page 7, line 19, the front swing end is 711 and not 710
 - page 7, line 21, the rear swing end is 712 and not 711

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the front carriage" in line 27 (page 1) and "the rear carriage" in line 1 (page 2). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hampton (3,572,823).

Hampton discloses a reclining chair comprising a base frame or bracket 22, a pivot link 32 having a lower pivot end connected to the base frame 22 and an upper pivot end. Hampton also discloses a back frame or portion 6 having a lower end and a carriage or seat bracket 26 having front and rear ends. A linkage mechanism 34, 40 and 30 pivotally couples the lower end of the back frame to the rear end of the carriage and to the pivot link 32 at pivot pin 37. The reclining chair also includes a leg rest assembly pivotal to the front end of the carriage and base frame. Moreover, a stop means is provided. Hampton discloses, "rearward movement of seat bracket 26 from the position of Fig. 3 is prevented by engagement of the rear actuation link 30 with a stop pin 42 on seat bracket 26" (col.2, lines 73-75).

Furthermore, regarding claim 5, the reclining chair comprises a leg rest member 8, a swing link having a front swing end 58 connected pivotally to the front end of the carriage 26 and a rear swing end 12 connected pivotally to the base frame 22. The leg rest assembly also includes a linkage device 50/46 and 64 having a front coupling end 52 and 66 connected to the leg rest member and a rear coupling end 27 and 62 pivotally connected to the front and rear swing ends.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton (3,572,823) in view of Johnson et al. (5,823,614).

Hampton discloses a reclining chair comprising a base frame or bracket 22, a pivot link 32 having a lower pivot end connected to the base frame 22 and an upper pivot end. Hampton also discloses a back frame or portion 6 having a lower end and a carriage or seat bracket 26 having front and rear ends. A linkage mechanism 34, 40 and 30 pivotally couples the lower end of the back frame to the rear end of the carriage and to the pivot link 32 at pivot pin 37. The reclining chair also includes a leg rest assembly pivotal to the front end of the carriage and base frame. Moreover, a stop means is provided. Hampton discloses, "rearward movement of seat bracket 26 from the position of Fig. 3 is prevented by engagement of the rear actuation link 30 with a stop pin 42 on seat bracket 26" (col.2, lines 73-75). However, Hampton fails to expressly disclose a pair of armrest frames. Yet, Johnson teaches of a reclining furniture item including an arm frame portion 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reclining chair of Hampton with an arm frame portion, as taught by Johnson, to provide a more comfortable chair for the users. Moreover, whether the reclining chair include armrests or not is considered a matter of design choice since it is old and well known in the art to provide armrests for additional comfort.

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Allowable Subject Matter

5. Claims 2-4 and 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wiecek (6,557,934), May (6,142,558), Kowalski (6,135,559), Gibson (5,810,431), Crum (4,863,215), Rogers, Jr. (4,544,201), Holobaugh (4,216,991), Sloan (3,743,348), Mizelle (3,558,185) and Re (3,433,527) all show various features of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 21, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600